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TAGS: [PTER](#) [PREL](#) [PGOV](#) [KISL](#) [TU](#) [BE](#)
SUBJECT: BRUSSELS APPELLATE COURT ACQUITS DHKP-C OF
TERRORISM CHARGES

REF: A. 07 BRUSSELS 2884
[1](#)B. 07 BRUSSELS 1324

Classified By: A/DCM Andrea Nelson for reasons 1.4 (B) and (D)

[1](#)1. (U) Belgian media reported December 23 that the Brussels Appellate Court found the six defendants in the on-going DHKP-C (Revolutionary People's Liberation Party active in Turkey) case not guilty under Belgium's 2005 counterterrorism law. The defendants are Turks who were arrested in 1999 in Belgium for possession of illegal arms, forged documents, and a bomb-triggering device. Although all six were found not guilty of violating the 2005 act, three of the defendants (Asoglu Musa, Kaya Saz, and Fehriye Erdal) were found guilty of "gang formation" and received suspended sentences. Moreover, the appellate judge did not find the "gang" to be a "criminal organization" because the defendants were not organizing for financial gain. This was the fourth hearing on terrorism charges since investigation into this case began in 1999. The six received previous convictions in Brugges and Gent courts for membership in a criminal and terrorist organization, and an acquittal by an Antwerp judge. All of these decisions were later annulled by the Belgian Court of Cassation and the latest hearing was held as a result.

[1](#)2. (C) Comment: Defense lawyers commented that the verdict was a rebuke of Federal Prosecutor Johan Delmulle's interpretation of Belgium's 2005 terrorism legislation. The prosecutor's press office commented off the record that Delmulle's office is disappointed by the outcome as is the Belgian public. Our contact said the prosecutors were waiting for release of the written decision to analyze how the court determined that the group was not a terrorist or criminal group, but rather simply a gang that intended to carry out attacks for "non-terrorist" reasons. The contact also added that the prosecutor's office had put significant effort into each of the four cases and that this latest decision was final. Post remains confident that the Belgian authorities are committed to prosecuting groups with links to terrorism in Belgium despite this setback. Turkey has long criticized Belgium's failure to successfully prosecute the defendants and for Belgium's refusal to extradite them to Turkey. End Comment.

GUTMAN

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